
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

KENNETH MICHAEL PACIOREK,

Plaintiff,

v.

UTAH COUNTY JAIL et al.,

Defendant.

**ORDER ADOPTING [14] REPORT AND
RECOMMENDATION**

Case No. 2:23-cv-00906

District Judge David Barlow

The Report and Recommendation¹ issued by the magistrate judge on April 24, 2024 recommends that the court dismiss Mr. Paciorek's action for failure to state a claim upon which relief can be granted and for failure to comply with court orders.² Having found that Mr. Paciorek failed to comply with the minimum pleading requirements, the magistrate judge provided Mr. Paciorek with additional opportunities to amend his complaint.³ Mr. Paciorek failed to meet the deadlines for each of the opportunities provided.⁴ The magistrate judge recommends that the court dismiss the case under Federal Rule of Civil Procedure 41(b), which allows for dismissal of an action based upon a plaintiff's failure to comply with court orders.⁵ The parties were notified of their right to file objections to the Report and Recommendation

¹ Report and Recommendation, ECF No. 14, filed April 24, 2024 [hereinafter R&R].

² R&R 1.

³ Ruling and Order Permitting Plaintiff to File Amended Complaint, ECF No. 10, filed February 5, 2024; Order to File Amended Complaint, ECF No. 13, filed March 8, 2024.

⁴ R&R 1.

⁵ R&R 2 (citing *Olsen v. Mapes*, 333 F.3d 1199, 1205 n.3 (10th Cir. 2003) (holding that Rule 41(b) has been permitted to dismiss actions sua sponte for a plaintiff's failure to comply with the rules of civil procedure or a court's orders.)).

within 14 days of its service pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72.⁶ No party filed an objection. Because no party filed a written objection to the Report and Recommendation by the specified deadline, and because the magistrate judge's analysis and conclusion are sound, the court ADOPTS the Report and Recommendation. Accordingly, Plaintiff's action is DISMISSED WITHOUT PREJUDICE.

Signed May 9, 2024.

BY THE COURT



David Barlow
United States District Judge

⁶ R&R 2.